

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 8323 of 2005

Between:

P.Raghuramaiah, S/o. Venkata Subbaiah,
Sangam Mandal, Nellore District.

..... PETITIONER

AND

- 1 The District Panchayat Officer, Nellore.
- 2 The Divisional Panchayat Officer, Kavali, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ more particularly one in the nature of writ of Mandamus Under Article 226 of Constitution of India, declaring the order passed by the 1st respondent in Roc.No.1125/2004-A1 dt. 25.06.2004 suspending the cheque drawing powers of the petitioner without specifying the period and without providing an opportunity to make a representation against the proposal for invoking the powers under the proviso rule 42(1) of the rules issued in G.O.Ms.No.30, Panchayat Raj & Rural Development Dept., dt.20.01.1995 and further action of the 1st respondent in not restoring the cheque drawing powers despite the report being submitted by the 2nd respondent as illegal, arbitrary, unjust and without jurisdiction and violative of the provisions of A.P. Panchayat Raj Act, 1994 consequently direct the respondents to restore the cheque drawing power of the petitioner forthwith and

pass such order are orders.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the stage of admission, made the following:

ORDER:

The petitioner is the elected sarpanch of Vangallu Gram Panchayat. Under the show cause notice issued by the 1st respondent-District Panchayat Officer dated 25.06.2004, the petitioner was called upon to explain certain alleged irregularities in the administration of the gram panchayat. Under the same proceedings, the petitioner was also prohibited from drawing the funds of the gram panchayat under Rule 42(1) of the Rules made under G.O.Ms.No.30 (PR & RD & R) dated 20.01.1995. Petitioner states that soon after the receipt of the said show cause notice, he has submitted a detailed explanation denying all the allegations made in the show cause notice. It appears that on the basis of the explanation submitted by the petitioner, a report was called for from the second respondent-Divisional Panchayat Officer and such a report was also submitted by the second respondent on 04.12.2004. However, till today the enquiry has not been concluded. Hence this writ petition contending that the action of the respondents in keeping the enquiry pending while withdrawing the cheque drawing powers of the petitioner as arbitrary and illegal.

Having heard learned counsel for the petitioner and the learned Government Pleader for Panchayat Raj appearing for the respondents and having regard to the facts and circumstances of the case, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to conclude the enquiry initiated against the petitioner under the show cause notice dated 25.06.2004 and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of this order.

The writ petition is accordingly disposed of. No costs.

15.04.2005

Note : Furnish C.C. by 20.04.2005.

(B/O)

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To

- 1 The District Panchayat Officer, Nellore.
- 2 The Divisional Panchayat Officer, Kavali, Nellore District.
- 3 2 CCs to the GP for Panchayat Raj and Rural Development, High Court buildings, Hyderabad (OUT)
- 4 2 CD copies